



PUBLIC NOTICE

**The Mayor and City Council invite you to
our next City Council Meetings**

TUESDAY, SEPTEMBER 26, 2017

**5:00 PM - Work Session
7:00 PM - Regular Meeting**

**South Fulton Service Center Auditorium
5600 Stonewall Tell Road
College Park, GA 30349**

If you have any questions or concerns, please contact the City of South Fulton, City Hall at www.cityofsouthfultonga.gov or call 470-809-7700.

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, September 26, 2017, 5:00PM



The Honorable William “Bill” Edwards, Mayor
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

WORK SESSION AGENDA

- Review of the September 26, 2017 Regular Meeting Agenda



The Honorable William “Bill” Edwards, Mayor
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

REGULAR MEETING AGENDA

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of the Consent Agenda
 - a. Meeting Minutes – (1st - Millage Rate and Budget Hearing – 6:00pm) – Wednesday, September 13, 2017
 - b. Meeting Minutes – Wednesday, September 13, 2017 (Regular Meeting - 7:00pm)
 - c. Meeting Minutes (2nd - Millage Rate and Budget Hearing - 10:00am) – Tuesday, September 19, 2017
 - d. Meeting Minutes – (3rd - Millage Rate and Budget Hearing – 6:00pm) – Tuesday, September 19, 2017

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- e. Meeting Minutes – (Special Called Meeting – 7:00pm) –
Tuesday, September 19, 2017
- f. Proclamation recognizing Apostle Vivian Dennis Appreciation
Day. **(Edwards)**
- 5. Approval of the Regular Meeting Agenda
- 6. Proclamations and Recognitions
 - i. Proclamation recognizing October 2017 as Crime
Prevention Month. **(Gumbs)**
- 7. Public Comment
 - a. Speakers will be granted up to two minutes each and public
comment will not exceed 30 minutes. Speakers will not be
allowed to yield or donate their time to other speakers.
- 8. Business
 - a. Resolutions
 - i. Resolution for Transparency in Department Head Salaries
(khalid - Res2017-052)
 - ii. Resolution for the City of South Fulton for Instituting an
“OPENGOV” Program **(Gumbs – Res2017-053)**
 - b. Ordinances
 - i. **[THIRD READING]** Ordinance to Create Title 8 of the City
of South Fulton Code of Ordinances, Traffic and Vehicles,
and to establish general rules of the road for the City of
South Fulton. **(Willis - Ord2017-018)**
 - ii. **[THIRD READING]** Ordinance granting permission and
consent to Coweta-Fayette EMC (a franchise agreement).
(Ord2017-019)
 - iii. **[THIRD READING]** Ordinance relating to mortgages,
conveyances to secure debt, and liens; to provide for
definitions; to provide for guidelines for vacant and
foreclosed property registries; to provide for exemptions;
to provide for maximum fees and penalties for registration
and failure to register; to provide for appellate rights; to
provide for severability; to provide an effective date; to

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repeal all ordinance and parts of ordinances in conflict herewith; and for other purposes. **(Rowell – Ord2017-020)**

- iv. **[FIRST READING]** Ordinance to comply with O.C.G.A. §50-18-70, ET SEQ.; Designating an “Open Records Officer” and “Assistant Open Records Officer(s)” for the City of South Fulton; Defining the duties and compensation thereof; providing for public record requests to be served upon the Open Records Officer or, in the Officer’s absence or unavailability, upon an Assistant Open Records Officer; providing for the manner of serving public records request on the Open Records Officer; providing for notice of the City’s open records procedures; providing reasonable charges for compliance with public records request; to repeal conflicting code provisions, ordinances, or portions thereof, in conflict with the foregoing; to establish an effective date; and for other purposes. **(Rowell – Ord2017-025)**

c. Other Action Items

- i. Request approval of the following Board Appointment:

- 1. Zoning Board of Appeals

- a. Mr. Calvin Bennett to replace Ms. Amethyst Harris **(Jackson)**

- 9. Unfinished Business
- 10. City Manager’s Weekly Update
- 11. Mayor and City Council Comments (Two minutes each)
- 12. Executive Session (CLOSED), if necessary
- 13. Adjournment



DIVIDER SHEET



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

6:00pm

MILLAGE RATE & BUDGET HEARING – MINUTES

The meeting was called to order by Mayor Pro Tem Rowell at 6:00pm. Upon calling the roll, a quorum was present.

- Millage Rate & Budget Presentation
- Public Hearing

CFO Frank Milazi started by making a PowerPoint presentation regarding the proposed millage rate. Following his presentation, the following speakers offered public comment, with a question and brief answer segment:

1) Mr. Harold Reid

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- 2) Mr. James Reese, Jr.**
- 3) Ms. Thersa Ealey-Hutchins**
- 4) Ms. Jewel Johnson**
- 5) Mr. Kenneth F. Joe, Sr.**
- 6) Ms. Diane Johnson**

CFO Frank Milazi continued by making a PowerPoint presentation regarding the proposed FY2018 Budget. Following his presentation, the following speakers offered public comment:

- 1) Mr. Kenneth F. Joe, Sr.**
- 2) Ms. Diane Johnson**
- 3) Ms. Glenda Collins**
- 4) Ms. Thersa Ealey-Hutchins**

Following the public comment portion of the meeting, the Mayor entertained a motion to close the public hearings on the millage rate and the budget.

A motion was made by Councilmember Baker and seconded by Mayor Pro Tem Rowell to close the Millage Rate and Budget hearings, and enter into a Closed Executive Session regarding Litigation and Personnel. Hearing no objections, the motion passed unanimously, 7-0-0.

The hearings adjourned at 6:50pm.

IN OPEN SESSION:

At approximately 7:04pm, a motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Baker to close the Executive Session. Hearing no objection, the motion passed unanimously, 7-0-0. No action was taken, as a result of holding the Executive Session.



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

REGULAR MEETING MINUTES

1. Call to Order

The meeting was called to order by Mayor Edwards at 7:05pm.
Following the roll call, all members were present.

2. Invocation

The Mayor asked everyone to observe a moment of silence.

3. Pledge of Allegiance

The Pledge of Allegiance was recited in unison.

4. Approval of the Consent Agenda

- a. Meeting Minutes – Tuesday, August 22, 2017
- b. Meeting Minutes – Tuesday, August 30, 2017
- c. Proclamations

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- i. Proclamation recognizing Women's Equality Appreciation Day (**Edwards**)
- ii. Proclamation recognizing Zion Hill Baptist Church Appreciation Day (**Edwards**)

A motion was made by Councilmember Gilyard and seconded by Councilmember Gumbs to approve the Consent Agenda. The motion passed unanimously, 7-0-0.

5. Approval of the Regular Meeting Agenda

A motion was made by Councilmember Gumbs and seconded by Councilmember Willis to approve the Regular Meeting Agenda, as amended (adding Councilmember Willis as sponsor of Ord2017-018). The motion passed unanimously, 7-0-0.

6. Proclamations and Recognitions

- a. Proclamation recognizing Miller City Farm Appreciation Day. (**Gilyard**)

PRESENTED

- b. Proclamation recognizing Old National Merchants Association 5K Run/Walk for Community Unity Day. (**Jackson**)

PRESENTED

7. Public Comment

- a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.

The following sixteen (16) citizens offered public comment:

- **Mr. David Rector, concerning City emblem/symbols.**
- **Mr. Roger Davis, concerning contingency plans for disaster preparedness, incompetence, and moving-up the transition schedule with respect to the County.**

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- **Ms. Jewel Johnson**, concerning dissention between Mayor and Council, Council's role to make policy and the Mayor's role to lead.
- **Mr. Harold Reid**, concerning the role of the City Council, making politics local and to the benefit of all our citizens.
- **Mr. Kalvin Bennett**, concerning Council doing the right thing, Council aides being vetoed, watchdogs being horrible for the City, Burdett Park and the IGA.
- **Mr. Bruce Moody**, concerning Council doing things together, death of Stanley Fletcher and City ordinances inherited by Fulton County.
- **Mr. Harry King**, concerning his offer of congratulations and thank you's to Council, a suggestion of a retreat (Calloway Gardens), his interest in neighborhood watch/crime, and community advocates.
- **Ms. Damita Chatman**, concerning her interest to encourage the City Council, acknowledging how everyone is watching us, concern regarding closed-door discussions from Executive Session being discussed openly in the public, and categorizing the type of City we are.
- **Ms. Sandra Rodgers**, concerning a lack of results and a lack of support from the City, trains blocking areas of the City, crime, gun shots, jails, prioritizing the Budget for public safety, and the need for rezoning of Royal South Parkway.
- **Ms. Teiola Porch**, concerning staff salary cuts and supporting employees.
- **Mr. Kenneth F. Joe, Sr.**, concerning Councilmember Gumbs doing a good job, a communication/ mailing to every household from the Mayor's office needs to be sent out, negativity and airing dirty laundry will have consequences, and Fulton County employees' interests do not come before the interests of the City of South Fulton residents.

- **Mr. James Reese, Jr.**, concerning his disappointments with things right now, budget numbers appear very conservative, interest for everyone working together, and getting prepared for bigger things like economic development opportunities.
- **Ms. Kimberly Hayes**, concerning her disgust of what was seen on the news and how the information got there, encouraging the City Council to take the high road because of how it could affect businesses.
- **Mr. Clinton Mel Keyton**, concerning cuts to police and fire, and interest of Council comprising for the whole in order to move forward.
- **Ms. Pat Smith**, concerning the need to move forward on infrastructure, gridlock and contingency plans for emergency exits.
- **Mr. Wayne Hines**, concerning his thanks to Council for their concern of employees and not balancing the budget on their backs.

8. Business

a. Ordinances

- i. **[SECOND READING]** Ordinance to Create Title 7 of the City of South Fulton Code of Ordinances, Municipal Courts, to establish Municipal Courts of the City and for other Related Purposes. **(Ord2017-017)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gilyard to establish an effective date of November 1, as recommended by legal counsel, with a friendly amendment by Councilmember Gilyard that the hiring authority be given to the Municipal Court Judge as previously voted upon during the FIRST READING. The friendly amendments to the Ordinance were accepted. Mayor Pro Tem Rowell and Councilmembers Gumbs, Willis, and Jackson voted yea. Councilmembers Gilyard, Khalid and Baker voted no. Therefore, the motion passed, 4-3-0.

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to adopt/approve Ord2017-017 to establish the Municipal Court, as amended. The motion passed unanimously, 7-0-0.

- ii. **[SECOND READING]** Ordinance to Create Title 8 of the City of South Fulton Code of Ordinances, Traffic and Vehicles, and to establish general rules of the road for the City of South Fulton. **(Willis – Ord 2017-018)**

No vote was taken.

Mayor Pro Tem Rowell requested the Procurement office to begin developing a citywide RFP for an authorized wrecker service. Councilmember Gumbs requested the City Attorney's office to include a provision for abandoned cars to be towed at the owner's expense, when a car is abandoned on a public road.

- iii. **[SECOND READING]** Ordinance granting permission and consent to Coweta-Fayette EMC (a franchise agreement). **(Ord2017-019)**

No vote was taken.

- iv. **[SECOND READING]** Ordinance relating to mortgages, conveyances to secure debt, and liens; to provide for definitions; to provide for guidelines for vacant and foreclosed property registries; to provide for exemptions; to provide for maximum fees and penalties for registration and failure to register; to provide for appellate rights; to provide for severability; to provide an effective date; to repeal all ordinance and parts of ordinances in conflict herewith; and for other purposes. **(Rowell – Ord2017-020)**

No vote was taken.

Mayor Edwards requested the City Attorney's office to incorporate within this proposed Ordinance a rental properties

inspection program. Councilmember Jackson recommended having an annual registration fee, instead of a one-time fee.

- v. **[SECOND READING]** Adoption of Financial Policy Ordinance and Amendment to existing Ordinances No. 2017-003 and 2017-007. **(Rowell and Gilyard – Ord2017-021)**

A motion was made by Councilmember Willis and seconded by Councilmember Jackson to approve Ord2017-021 as amended by Councilmember Gilyard. The motion passed unanimously, 7-0-0.

- vi. **[SECOND READING]** Adoption of Debt Policy Ordinance. **(Rowell – Ord2017-022)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gilyard to adopt/approve Ord2017-022 as amended by Mayor Pro Tem Rowell, thereby changing the ceiling for the debt ratio from 4.0% to 10% which is in line with Georgia law. The motion passed unanimously, 7-0-0.

- vii. **[SECOND READING]** Ordinance to amend existing ordinance no. 2017-003 for transparency in Mayoral and City Manager appointments. **(khalid – Ord2017-024)**

A motion was made by Councilmember khalid and seconded by Councilmember Gilyard to adopt/approve Ord2017-024, with a friendly amendment by Mayor Pro Tem Rowell to change “jail sentences” to Municipal Courts, and to set the effective date as September 14, 2017. The friendly amendments were accepted. The motion passed unanimously, 7-0-0.

9. Unfinished Business

- a. Resolution adopting the Official Seal for the City of South Fulton. **(Baker – Res2017-041, approved on August 22, 2017, and vetoed on August 25, 2017)**

WITHDRAWN

Councilmember Baker requested to withdraw the vetoed Resolution and he expressed his interest to conduct town hall forums within each of the Council districts to provide for public comment/opinion regarding the seal as proposed.

10. City Manager's Weekly Update
 - a. Communications Strategy
 - b. BidNet Direct

A motion was made by Councilmember Baker and seconded by Councilmember Gilyard to allow the HR Director to complete the executive search process, without the need to hire a firm. Councilmembers Willis, Gilyard, khalid and Baker voted yea. Mayor Pro Tem Rowell and Councilmembers Gumbs and Jackson voted no. Therefore, the motion passed, 4-3-0.

A motion was made by Councilmember Willis and seconded by Councilmember Gumbs to rescind the previous action. Mayor Pro Tem Rowell and Councilmembers Gumbs, Willis and Jackson voted yea. Councilmembers Gilyard, khalid and Baker voted no. Therefore, the motion passed, 4-3-0, and the previous motion was rescinded.

A motion was made by Councilmember khalid and seconded by Councilmember Baker to separate-out the City Manager executive search process from the executive search process for the position of Police Chief. Councilmembers Willis, khalid and Baker voted yea. Mayor Pro Tem Rowell and Councilmembers Gumbs, Gilyard and Jackson voted no. Therefore, the motion failed, 3-4-0.

11. Mayor and City Council Comments (Two minutes each)

All City Councilmembers made announcements or statements regarding activities within their respective districts or within the City.

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12. Executive Session, if necessary

IN OPEN SESSION:

A motion was made by Councilmember Baker and seconded by Mayor Pro Tem Rowell to close the Regular Meeting for an Executive Session regarding personnel. The motion passed unanimously, 7-0-0. The executive session began at 10:12pm.

Following the Executive Session, a motion was made by Councilmember Baker and seconded by Mayor Pro Tem Rowell to close the Executive Session and adjourn the City Council Meeting at 10:55pm. Mayor Edwards, Mayor Pro Tem Rowell and Councilmembers khalid and Baker voted yea. Therefore, the motion to adjourn passed, 4-0-0.

13. Adjournment

The meeting was adjourned at 10:55pm.



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

10:00am

MILLAGE RATE & BUDGET HEARING - MINUTES

The meeting was called to order by Mayor Edwards at 10:05am.
Following the roll call, all members were present.

Interim City Manager Ruth C. Jones gave an introduction regarding the purpose of the 2nd public hearing regarding the Millage Rate and the Budget. She then introduced CFO Frank Milazi to offer a presentation.

- **Millage Rate & Budget Presentation**

Following the presentations, the Mayor and Council had a question and answer period with staff regarding various Budget appropriations.

- Public Hearing

The following citizens offered public comment:

- 1) **Mr. Jamar Bryant**: concerning documents discussed by the City Council and the documents passed out to the public being different, getting the City up and running, and support for the Council Aide positions.
- 2) **Ms. Glenda Collins**: concerning how long we must adhere to the IGA with Fulton County to include the actual cost figures along with a breakdown, and paying for the unfunded benefits for Fulton County employees that the City should not have to pay.
- 3) **Mr. Arnold A. Jiggetts**: concerning the two sides on the issue of the Council Aides, and starting now to become the greatest City.
- 4) **Mr. Calvin Bennett**: concerning the past presentation from Fulton County regarding capital improvements, having the Communications person to put-out correct information to the public, and budget concerns with the games played by Fulton County.
- 5) **Ms. Cynthia Ross**: concerning the increased millage rate imposed by Fulton County, and unpaid leave costs being charged to the City for the employees that separate their employment.
- 6) **Ms. Ella J. Ward**: declined her right to speak

At the conclusion of the public comment period, Mayor Pro Tem Rowell asked the City Manager to respond to the questions/concerns raised by the speakers.

Mayor Edwards made closing comments regarding some of the issues and concerns that were raised, then he allowed Councilmembers the opportunity to give remarks.

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gilyard to recess for a Closed Executive Session regarding Personnel. The motion passed unanimously, 7-0-0.

Following debate on the motion, the Executive Session began at 11:24am.

Following the Executive Session regarding Personnel, a motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Baker to close the Executive Session regarding Personnel whereupon no action was taken. The motion passed unanimously, 7-0-0. The Executive Session was closed at 12:14pm.

A motion was made by Councilmember Baker and seconded by Councilmember khalid to reallocate/move \$75,000.00 from Economic Development (membership with Connect South Fulton) and \$234,000.00 from Parks and Recreation, as recommended by the City Manager. Councilmembers Gumbs, Gilyard, Jackson, khalid and Baker voted yea. Mayor Pro Tem Rowell and Councilmember Willis voted no. Therefore, the motion passed, 5-2-0.

A motion was made by Councilmember Baker and seconded by Councilmember khalid to direct the Interim City Manager and the Finance Director to find the funds for a Budget Manager position. Councilmembers Gumbs, Gilyard, Jackson, khalid and Baker voted yea. Mayor Pro Tem Rowell and Councilmember Willis voted no. Therefore, the motion passed, 5-2-0.

A motion was made by Councilmember khalid and seconded by Councilmember Baker to move the previous question. Hearing no objections, the motion to move the previous question passed, 7-0-0.

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A motion was made by Councilmember Baker to approve Budgetary Controls for the Mayor and City Council to be funded for FY2018. The maker of the motion decided to hold the motion.

A motion was made by Councilmember Baker and seconded by Councilmember Jackson to adjourn the meeting. The motion passed unanimously, 7-0-0.

The meeting was adjourned at 12:30pm.



DIVIDER SHEET



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

6:00pm

MILLAGE RATE & BUDGET HEARING - MINUTES

The meeting was called to order by Mayor Edwards at 6:02pm.
Following the roll call, a quorum was present.

Interim City Manager Ruth C. Jones gave an introduction regarding the purpose of the 2nd public hearing regarding the Millage Rate and the Budget. She then introduced CFO Frank Milazi to offer a presentation.

- **Millage Rate & Budget Presentation**
- **Public Hearing**

Following the presentations, the following citizens offered public comment:

- 1) **Ms. Damita Chatman**: concerning the Budget and paying for the Council Aide positions, and her preference of putting funds towards Police and Parks & Recreation.
- 2) **Pennon Lockhart**: concerning millage rate & budget increases which he opposes, and operating within our means as a start-up.
- 3) **Ms. Daphne Jordan**: concerning the 5-2 vote regarding a reduction in Parks & Recreation to hire personal assistants for the City Council, and warning the City Council of the possibility of a Recall.
- 4) **Ms. Tiffany Knighton**: concerning safety of our citizens for funding that is needed for the Police Department, and Parks and Recreation, instead of personal assistants.
- 5) **Mr. A. W. Davis**: concerning hiring an Economist, and the role of a City or County Manager to make sure the ambitions of the citizens match the reality of what Council faces. Zero-based budgeting is needed.
- 6) **Mr. Christopher Hayes**: concerning Welcome All Park and any cuts regarding Parks & Recreation that are integral to giving our youth an outlet, along with the ridiculous (poor) condition of them (fields).
- 7) **Ms. Brenda Moore**: concerning the Budget and her opposition to the Council Aides, opposing cuts to the Police Department, supporting an increase to salaries for Police officers, and opposing high salaries for employees because we cannot compete with Fulton County's salary levels in order to be fiscally responsible.
- 8) **Ms. Jewel Johnson**: concerning the Budget and moving money around for safety and Parks & Recreation, and supporting the Budget as it stands right now
- 9) **Ms. Courtney Hendricks**: concerning budget cuts to the Police Department due to the crime element within the community, car

break-ins, etc., and concerning the slides put-up on the screen which suggest that \$1 million was cut from Police to hire personal assistants.

- 10) Ms. Juliette Rankins: concerning Council's arguing and fighting which we loves because the majority supports her interests, supporting the voting holiday because education is needed, opposing high salaries of City employees, encouraging everyone to get money for the Communications director and a professional company to name our City, branding and our seal, supporting Council to fight Fulton County for our money, and educating the citizens about what they are doing.
- 11) Ms. Pamela Harvey: concerning economic development, opposing the Council Aides which she recommends retirees or interns instead as we start out, and not paying-off campaign people to work as Council Aides.
- 12) Ms. Akilah Harper: concerning the terrible fields at Sandtown with no striping and lights, and opposing expenditures for Council Aides to take from Parks & Recreation.
- 13) Ms. Kimberly King: concerning the use of the Budget for personal assistants and moving money from revenue-generating departments for these purposes, opposing efforts to take away from economic development opportunities, opposing the chief judge candidate who represented a racist dry cleaning owner, and considering Recall options.

At the conclusion of the public comment period, Mayor Edwards thanked everyone for their comments. He then asked the Interim City Manager to clarify some of the incorrect statements that were made regarding the Budget. The Mayor then gave each Councilmember the opportunity to give comments on the Budget generally.

Hearing no further business, the public hearing was adjourned at 7:02pm.



DIVIDER SHEET



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

SPECIAL CALL MEETING MINUTES

Call to Order

The Special Called meeting was called to order by Mayor Edwards at 7:02pm. Following the roll call, all members were present.

A motion was made by Councilmember Baker and seconded by Councilmember Gumbs to adopt the agenda, as amended to add-on the following item:

- Supplemental Resolution authorizing, among other things, the Issuance and Sale of a taxable Tax Anticipation Note in the principal amount of \$3,000,000.00. (Res2017-051)**

The motion passed unanimously, 7-0-0.

- Resolution to fix the Ad Valorem Tax Rate of the City of South Fulton for Fiscal Year 2018, and for various other reasons. (Res2017-048)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to approve Res2017-048. The motion passed unanimously, 7-0-0.

- Resolution adopting the Fiscal Year 2018 Final Budget for each Fund of the City of South Fulton, Georgia, Appropriating the amounts showing in each fund as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding, available, and for various other reasons. **(Res2017-049)**

A motion was made by Councilmember khalid and seconded by Councilmember Jackson to adopt/approve Res2017-049. A friendly amendment was made by Mayor Pro Tem Rowell to increase the Professional Services line item within the City Clerk's budget to accommodate the Agenda/Meeting Management software in the amount of \$14,000.00, pulling the funding from the Contingency line item. The friendly amendment was accepted. The motion passed unanimously, 7-0-0.

- Resolution appointing Tiffany Carter Sellers as the Chief Judge for the Municipal Court of the City of South Fulton; and for other purposes. **(Edwards - Res2017-050)**
- a) A motion was made by Councilmember Willis and seconded by Councilmember Jackson to accept the Mayor's nomination of Ms. Tiffany Carter Sellers as the Chief Judge of Municipal Court. Councilmembers Willis, Gilyard and Jackson voted yea. Mayor Pro Tem Rowell and Councilmembers Gumbs and Baker voted no. Councilmember khalid did not vote. Therefore, the motion failed, 3-3-0.**
- b) A motion was made by Councilmember Baker and seconded by Councilmember Willis to recess the meeting for Executive Session regarding Personnel. Hearing no objections, the motion passed unanimously, 7-0-0.**

The Executive Session began at 7:16pm and ended at 7:23pm.

Following Executive Session:

- c) A motion was made by Councilmember Willis and seconded by Councilmember Jackson to reconsider the previous action [motion a)]. No vote was taken.**
 - d) A motion was made by Councilmember Baker and seconded by Councilmember Jackson to reconsider the previous action. Councilmembers Gumbs, Gilyard, Jackson and Baker voted yea. Mayor Pro Tem Rowell, Councilmember Gumbs and khalid did not vote. Therefore, the motion passed 4-0-0.**
 - e) A motion was made by Councilmember Willis and seconded by Councilmember Jackson to accept the Mayor's nomination of Ms. Tiffany Carter Sellers as the Chief Judge of Municipal Court. Mayor Pro Tem Rowell, Councilmember Gumbs and khalid did not vote. Therefore, the motion passed, 4-0-0.**
- Supplemental Resolution authorizing, among other things, the Issuance and Sale of a taxable Tax Anticipation Note in the principal amount of \$3,000,000.00. (Res2017-051)**

A motion was made by Councilmember Gilyard and seconded by Councilmember Gumbs to accept/approve Res2017-051. Mayor Pro Tem Rowell and Councilmembers Gumbs, Willis, Gilyard, and Jackson voted yea. Councilmembers khalid and Baker voted no. Therefore, the motion passed, 5-0-0.

Adjournment

A motion was made by Councilmember Baker and seconded by Councilmember Gumbs to adjourn the meeting. Hearing no objections, the motion passed unanimously, 7-0-0.



DIVIDER SHEET



City of South Fulton

WHEREAS, Apostle Vivian Dennis, founder of Forever Free Outreach Ministries located in Marietta, Georgia, began in 1995 to help families develop their full potential by supporting those who have made the decision to, once again, be productive members of society;

WHEREAS, Pastor Dennis is a remarkable woman, who had a vision after having a spiritual intervention, and she was touched by the Master's hands and transitioned from drug addiction; and

WHEREAS, This woman of God has made her vision a reality; she cares about people and loves to meet new people and that love has led her to become a great humanitarian; and

WHEREAS, We honor her for 21 years of service and for a job well done due to her actions. Pastor Dennis shows that her ministry is her life and by the grace and power of God, she is making full proof of her ministry.

WHEREAS, The outreach ministries provides services dealing with life skills, conflict resolution, 12 step recovery, bible study, individual counseling sessions, job placement assistance and educational services, and these services are a reflection of the Forever Free Outreach Ministries Mission Statement.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the City Council of the City of South Fulton congratulates Apostle Vivian Dennis on her 21 years of service and a job well done through her actions and do hereby proclaim Sunday, September 24, 2017, as **"APOSTLE VIVIAN DENNIS APPRECIATION DAY"** in the City of South Fulton, Georgia.

Mayor William "Bill" Edwards



DIVIDER SHEET



City of South Fulton

WHEREAS, In 1984, the National Crime Prevention Council designated October as Crime Prevention Month; and

WHEREAS, Every year since then, government agencies, civic groups, schools, businesses, and youth organizations have reached out to educate the public, showcase their accomplishments, and explore new partnerships during this special month; and

WHEREAS, October has become the official month for recognizing and celebrating the practice of crime prevention, while promoting awareness of important issues such as victimization, volunteerism, and creating safer, more caring communities; and

WHEREAS, The month-long celebration spotlights successful crime prevention efforts on the local, state, and national levels and some of these activities focus on Halloween, which is celebrated in the last week of the month; and

WHEREAS, The National Crime Prevention Council believes that crime can and should be prevented. Truly effective prevention requires addressing causes of crime and reducing opportunities for it to occur; everyone, no matter what age, position, or capacity, can and must take individual action to stop crime; and

WHEREAS, the problems of crime, violence, and drug abuse are best addressed through local and state policies; partnerships that actively involve the local community and its residents, this is key to preventing crime; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the City Council of the City of South Fulton recognize the month of October 2017 as Crime Prevention Month, and do hereby proclaim the month of October 2017, as **“CRIME PREVENTION APPRECIATION MONTH”** in the City of South Fulton, Georgia.

Councilmember Carmalitha Gumbs



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION No. 2017-052

RESOLUTION FOR TRANSPARENCY IN DEPARTMENT HEAD SALARIES

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, Section 4.15 of the City Charter authorizes the City Council to establish personnel policies and procedures;

WHEREAS, it is the goal of the City Council to increase transparency in local government;

BE IT HEREBY RESOLVED by the Mayor and City Council that:

1. On October 1 of every year, the City Manager shall publish to the city website, at the top of the Open Government page; and in the City newspaper of record, the salaries of every city department head, every division director, and every person appointed by Mayor and/or Council to a paid position.
2. Additionally, these salaries shall be included in all hard and soft copy budget documents; and the “Budget Book” disseminated at every Budget Hearing and Budget Workshop.
3. This Resolution shall take effect immediately.

The foregoing Resolution No. **2017-052** adopted on _____ was offered by Councilmember **khalid kamau**, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

RESOLUTION NO. 2017-053

**RESOLUTION FOR THE CITY OF SOUTH FULTON INSTITUTING AN
“OPENGOV” PROGRAM**

Sponsored by: Mayor Pro Tem Rowell and Councilwoman Carmalitha L. Gumbs

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the governing body of the City of South Fulton serves as good stewards of the City of South Fulton’s citizens’ tax dollars;

WHEREAS, as part of a citywide effort to provide greater transparency and foster an environment of openness in regards to the innerworkings of local government;

WHEREAS, to improve transparency and accountability of all City expenditures;

WHEREAS, an open and transparent government benefits local taxpayers, elected officials, and the public at-large; and

WHEREAS, the City’s fiscal year is from October 1 to September 30;

WHEREAS, the City Council seeks to enhance the transparency of city government by creating an “OpenGov” program to displaying municipal finances in a searchable format available via an online portal accessible by taxpayers across the City of South Fulton.

BE IT HEREBY RESOLVED by the Mayor and City Council that:

1. The City will provide checkbook level expenditure information, in an electronic format for posting on a transparency online portal via the City’s website for citizens to have readily accessible information to how their tax dollars are spent.
2. The City will work purposefully, efficiently, and resolutely to provide said financial data to advance an open and transparent Government.
3. The City Finance Department shall make this information available online at the City’s Website.

The foregoing Resolution No. **2017** adopted on _____ was offered by Councilmember **Carmalitha Gumbs**, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017.
CITY OF SOUTH FULTON, GEORGIA.

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-018

**AN ORDINANCE TO CREATE TITLE 8 OF THE CITY OF SOUTH FULTON
CODE OF ORDINANCES, TRAFFIC AND VEHICLES, AND TO ESTABLISH
GENERAL RULES OF THE ROAD FOR THE CITY OF SOUTH FULTON.**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 4-6-371 to enact ordinances regulating motor vehicles and traffic with respect to streets and highways under their jurisdiction;

WHEREAS, pursuant to City Charter Section 1.12(b)(18), the City is authorized to regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys, and walkways of the City;

WHEREAS, the City finds it to be in the public interest and for the health, safety, welfare, comfort, and well-being of the City and its inhabitants to regulate motor vehicles and traffic within the City;

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: Establishment of Traffic and Vehicles Code of Ordinance

Title 8 of the City of South Fulton Code of Ordinances is hereby established, which shall include the following language:

Title 8: Traffic and Vehicles

Section 2: Adoption of General Rules of the Road

Chapter 1 of Title 8 of the City of South Fulton Code of Ordinances is hereby established, which shall include the following language:

Chapter 1: In General

Sec. 8-1001. - Adoption of State and Federal Laws

(a) *Adoption of federal law by reference.* For the purpose of regulating vehicles and traffic in the City, there is hereby adopted, as if fully set out herein, the following federal regulations:

- (1) Reference 49 C.F.R. 382, 383, 390-393, and 395-397, the Commercial Motor Vehicle Safety Act of 1986; and
- (2) The Federal "Out of Service" Criteria as amended from time to time.

(b) *Adoption of state law by reference.* Pursuant to Chapter 6 of Title 40 of the Official Code of Georgia Annotated, O.C.G.A. §§ 40-6-372 through 40-6-376, O.C.G.A. § 40-6-1 *et seq.*, known as the "Uniform Rules of the Road," and the definitions contained in O.C.G.A. § 40-1-1 are hereby adopted as and for the traffic regulations of this City with like effect as if recited herein.

Sec. 8-1002. - Penalties.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six months, confinement at labor for a period of time not to exceed 30 days, or any combination thereof.

Sec. 8-1003. - Temporary Traffic Regulations.

In cases where traffic upon the streets may become congested upon occasions of parades, at theaters, and other public assemblages where large numbers of vehicles are assembled, the police may make temporary rules directing and regulating the traffic in these congested districts, and any person, who, after being warned of the temporary traffic regulations, shall violate them shall be liable for that violation as for other violations of this Chapter.

Sec. 8-1004. - Funeral processions.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Funeral procession means a group of vehicles traveling from a funeral home or similar business to a cemetery or other proper burial site. Funeral processions shall be lead by a funeral vehicle such as a hearse, and all cars in the procession shall burn regular headlights and stay in close formation.

(b) *Vehicles given the right-of-way; exception.* Vehicles of a funeral procession shall have the right-of-way over all vehicles, except authorized emergency vehicles, provided such vehicles shall identify themselves by burning regular headlights and

shall keep in close formation. When the lead vehicle in a funeral procession has entered an intersection on a green light, all other cars in the procession may proceed through the intersection, even though such signal may change to red.

Sec. 8-1005. - Speed limits on City roadways.

- (a) *Speed limits.* Public streets or parts of the public streets within the City shall be subject to maximum speed limits as provided by O.C.G.A. § 40-6-181, which is incorporated herein by reference, and further as identified by posted regulatory signs where applicable. The City may revise, add to, or amend the applicable maximum speed limits on its public streets pursuant to the statutes and regulations governing the establishment or alteration of speed limits and zones in the state.
- (b) *Speed detection devices.* All law enforcement personnel of the City who are certified in the use of speed detection devices are authorized to use such devices, in accordance with all applicable laws and regulations, in the locations designated by the City and as approved by the state department of transportation and the state department of public safety.

Sec. 8-1006. - Skateboards and bicycles.

- (a) No person shall ride a bicycle or propel rollerskates, skateboards, or other similar devices upon a public street, highway, or sidewalk in a manner which would constitute an unreasonable danger to the public or which would disrupt the public's ordinary and customary use of such street, highway or sidewalk.
- (b) No person shall ride a bicycle or propel rollerskates, skateboards, or other similar devices on sidewalks which are properly designated for pedestrians only. The chief of police and other departments of the City, after approval of the City manager, are authorized to erect or have erected signs on any sidewalk or roadway prohibiting the riding of bicycles or propelling of rollerskates, skateboards, or other similar devices. When such signs are in place, no person shall disobey the signs.
- (c) Whenever any person is riding a bicycle or skating upon a sidewalk, that person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.
- (d) Any person violating any provision of this Chapter is guilty of a violation of this Chapter to be punished pursuant to Sec. 8-1002; provided, however, that any offender under the age of 17 years shall be treated as provided by O.C.G.A. Title 15, Ch. 11 (O.C.G.A. § 15-11-1 *et seq.*). The parent of any child and the guardian of the person of any ward shall not authorize or knowingly permit that child or ward to violate any provision of this section.

Sec. 8-1007. - Private residential property trespass and private residential property trespass towing.

- (a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Park means to park unattended or abandon a vehicle on private residential property without authority or permission of the owner or occupant of the private residential property.

Private residential property means residential property within the City which is privately owned and which contains not more than four residential units thereon.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Wrecker or wrecker service shall mean an automotive vehicle with hoisting apparatus and equipment for towing vehicles which meets the qualifications imposed by the Georgia Department of Public Safety and the City for nonconsensual towing pursuant to the provisions of O.C.G.A. § 44-1-13, as may be amended from time to time, and the transportation rules of the Georgia Department of Public Safety, as may be amended from time to time.

- (b) *Prohibited on private residential property without invitation.* It shall be unlawful for any person to park a vehicle upon private residential property in the City without invitation or permission from the owner or person in legal possession of the premises. Any person or his or her authorized agent entitled to the possession of any parcel or space of private residential property shall have the right to remove or cause to be removed from the private residential property any vehicle thereon which is not authorized to be at the place where it is found and to store or cause to be stored such vehicle.
- (c) *Removal and storage.* Upon notification by a person entitled to the possession of private residential property that a vehicle is trespassing thereon, the City police department shall provide such person with the name and telephone number of the City's authorized wrecker service for nonconsensual towing, as determined by resolution of the council of the City. The City police department shall not contact the wrecker service directly for the removal of the trespassing vehicle from the private residential property, but shall assist the person owning the private residential property by providing the name and telephone number of the City's authorized wrecker service for nonconsensual towing.
- (d) *State law adopted.* The provisions of O.C.G.A. § 44-1-13 are hereby adopted by reference.

Sec. 8-1008. - Nonconsensual towing carriers; public electronic notification system; other purposes.

- (a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Department means the Georgia Department of Public Safety.

Nonconsensual towing means without the prior consent or authorization of the owner or operator of the motor vehicle being towed.

Nonconsensual towing carrier means a wrecker service engaged in the towing of trespassing vehicles on private property without prior consent or authorization of the owner or operator of the vehicle and having a secure impoundment facility.

Normal business hours means operating hours of a nonconsensual towing carrier as approved by the Department.

Secure impoundment facility means a facility owned or leased by a towing company for the purpose of providing secure storage of towed vehicles.

Wrecker means an automotive vehicle with hoisting apparatus and equipment for towing vehicles. The term "wrecker" also includes any vehicle otherwise equipped and used for the purpose of towing vehicles.

- (b) *Compliance required.* The requirements of this section shall be in addition to any and all requirements of the Department in its authority to regulate and control the towing of trespassing vehicles on private property as provided in O.C.G.A. § 44-1-13. It shall be unlawful for any nonconsensual towing carrier to use or operate upon any of the streets of the City without complying with this section.
- (c) *Lettering on wreckers.* It shall be unlawful for any person, either as principal, agent or employee, to use or operate upon any street of the City any wrecker unless the vehicle shall have lettered on each side in plain view the name of the person owning and causing the wrecker to operate on the streets of the City, the address from which the wrecker is operating and the telephone number. This lettering shall be in a contrasting color to the color of the wrecker and shall be at least two and one-half inches in height, and shall be permanently affixed to the wrecker. Magnetic signs are prohibited.
- (d) *Notification upon removal of vehicle at request of other than police officer.*

- (1) The operator of any wrecker removing a vehicle at the request of any person other than a police officer on duty for the police department shall report by

electronic means to the police department the fact that the vehicle was removed, released and its present storage place, together with a description of the vehicle, vehicle identification number and the tag number. The electronic report shall be made by the wrecker driver by electronic communication within one hour of the deposit of the vehicle at its storage point and within 24 hours of its release to the vehicle owner or agent of the vehicle owner.

- (2) The police department shall be authorized to engage the services of a person or entity authorized by the state to provide notice to owners of towed or impounded vehicles.

(e) *Impound lot; attendant.*

- (1) Upon impoundment of any vehicle by a wrecker service, the wrecker service shall maintain all records required by the Department, including the following information:

- i. Date and time the call was received by the wrecker service;
- ii. Name of the caller;
- iii. Date and time of initial towing;
- iv. Place of initial towing;
- v. Date and time of arrival at the impound lot;
- vi. Date and time of release to the owner of the impounded vehicle; and
- vii. Name of the wrecker driver and helper.

- (2) The records required in subsection (1) above shall be maintained at a location where affected members of the public may obtain such information electronically, by telephone or in person, during normal business hours. Further, all wrecker services, public and private, which impound vehicles pursuant to this section shall register with the police department the current telephone number of the person responsible for releasing the vehicles.

- (3) It shall be unlawful for any wrecker service to operate in the City without employing the services of a check approval agency and the major credit card services; and it shall be unlawful to refuse to accept, in lieu of cash, any check which can be insured by a check approval agency, any draft drawn on a credit union which can be insured by a check approval agency or any major credit card for the payment of any and all fees and costs resulting from the towing and storage of the impounded vehicle. For purposes of this subsection, the term "major credit card" means a Visa, MasterCard, American Express and Discovery card.

- (f) *Penalties for violation of this section.* A violation of any provision of this section shall result in the following penalties:

First offense: \$250.00

Second and subsequent offenses: \$500.00

Sec. 8-1009. - Direction of traffic.

- (a) It shall be unlawful for an individual, business, private contractor or other entity to utilize the services of an off-duty public safety officer to direct traffic in a public right-of-way within the City for its clients, employees or events without having obtained a permit from the City to do so as hereinafter provided. "Direction of traffic", as used in this section, shall mean the controlling or restricting of movement of any motor vehicle that is traveling in a public right-of-way within the City.
- (b) A public safety officer utilized by an individual, business, private contractor or other entity to direct traffic shall be approved by the City police department as qualified to do so and shall be subject to all applicable rules, regulations and guidelines of the City's police department.
- (c) Every individual, business, private contractor or other entity desiring to obtain a permit required by this section shall make written application to the City's revenue department in the form approved by the department. The application shall provide all information as may be requested by the City. Failure to furnish any information requested by the City in consideration of the application within 30 days of request by the City shall result in automatic dismissal of the application.
- (d) Any application for a permit submitted to the revenue department pursuant to this section shall be subject to the approval of the City's public works department, with the concurrence of the City's police department. Approval of a permit under this section, when given, is subject to modification or cancellation by the City at any time by providing seven days' written notice of modification or cancellation to the holder of the permit.
- (e) A permit issued under this section shall be renewable on an annual basis. At all times, an individual, business, private contractor or other entity having obtained a permit pursuant to this section must have on display, in a conspicuous location within the offices of the individual, business, private contractor or other entity as designated in the permit application, the permit for the current permitting year, to be available for inspection by authorized representatives of the City at all times.
- (f) Any individual, business, private contractor or other entity who violates this provision is guilty of a violation of this Code and shall be punished as provided in Sec. 8-1002.

Section 3: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences,

clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 4: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: Effective Date

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be _____.

The foregoing Ordinance No. **2017-018** was adopted on _____ by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell,	_____	_____
Mayor Pro Tem		
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

STATE OF GEORGIA

COUNTY OF FULTON

CITY OF SOUTH FULTON

ORDINANCE NO. 2017-019

AN ORDINANCE GRANTING PERMISSION AND CONSENT TO COWETA-FAYETTE ELECTRIC MEMBERSHIP CORPORATION, A GEORGIA NON-PROFIT ELECTRIC MEMBERSHIP CORPORATION, AND ITS SUCCESSORS, LESSEES, AND ASSIGNS (HEREINAFTER REFERRED TO COLLECTIVELY AS THE "COMPANY") TO OCCUPY THE STREETS AND PUBLIC PLACES OF THE CITY OF SOUTH FULTON, A MUNICIPALITY AND POLITICAL SUBDIVISION OF THE STATE OF GEORGIA (HEREINAFTER REFERRED TO AS THE "CITY"), IN CONSTRUCTING, MAINTAINING, OPERATING, AND EXTENDING POLES, LINES, CABLES, EQUIPMENT, AND OTHER APPARATUS FOR TRANSMITTING AND DISTRIBUTING ELECTRICITY AND FOR OTHER PURPOSES.

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, pursuant to Act 421 of the 2016 session of the Georgia General Assembly (the "City Charter"), the City of South Fulton incorporated on May 1, 2017;

WHEREAS, pursuant to Section 1.12(b)(32), the City is authorized to grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor;

WHEREAS, the City considers collecting a franchise fee from an electric power company utilizing the public rights of way as compensation to the public for the use of the rights of way and a means of promoting the public health, safety, welfare and economic development of the City and to protect public works infrastructure,

WHEREAS, the City of South Fulton City Council finds it in the best interest of the City to adopt and enter into an Electricity Franchise Agreement as set forth herein with Coweta-Fayette Electric Membership Corporation.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

SECTION I. Be it ordained by the governing authority of the City that the authority, right, permission, and consent are hereby granted to the Company, for a period of thirty-five (35) years from the granting of this franchise, to occupy and use the streets,

alleys, and public places of the City within the present and future corporate limits of the City as from time to time the Company may deem proper or necessary for the overhead or underground construction, maintenance, operation, and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections, and other apparatus (hereinafter referred to collectively as the "Company's Facilities") for use in various businesses and purposes, including transmitting, conveying, conducting, using, supplying, and distributing electricity for light, heat, power, and other purposes for which electric current may be or become useful or practicable for public or private use, and all purposes incidental thereto or reasonably related to business in which the Company is lawfully engaged, and to re-enter upon such streets, alleys, and public places from time to time as the Company may deem proper or necessary to perform these functions, and to cut and trim trees and shrubbery when and where necessary, in the judgment of the Company, to insure safe and efficient service.

SECTION II. Be it further ordained that the rights, permission, and consents herein contained are granted for the following considerations and upon the following terms and conditions:

1. The Company shall pay into the treasury of the City on or before the first day of March in each year following the granting of this franchise, a sum of money equal to four percent (4%) of the gross sales of electric energy to customers served under residential, commercial, and industrial rate schedules within the corporate limits of the City during the preceding calendar year.

2. The amount, if any, of any tax, fee, charge, or imposition of any kind required, demanded, or exacted by the City on any account, other than ad valorem taxes on property, shall operate to reduce to that extent the amount due from the percentage of gross sales provided for in paragraph 1 of this Section II.

3. The Company shall fully protect, indemnify, and save harmless the City from all damages to persons or property caused by the construction, maintenance, operation, or extension of the Company's Facilities, or conditions of streets, alleys, or public places resulting therefrom, for which the City would otherwise be liable.

4. The Company shall, in constructing, maintaining, operating, and extending the Company's Facilities, submit and be subject to all reasonable exercises of the police power by the City. Nothing contained herein, however, shall require the Company to surrender or limit its property rights created hereby without due process of law, including adequate compensation, for any other purpose at the instance of the City or for any purpose at the instance of any other entity, private or governmental.

5. For purposes of paragraph 6 of this Section II, the term "Distribution Facilities" means poles, lines, wires, cables, conductors, insulators, transformers, appliances, equipment, connections, and other apparatus installed by or on behalf of the Company (whether before or after the adoption of this ordinance) in the streets, alleys, or public places of the City for the purpose of distributing electricity within the present and future corporate limits of the City. Distribution Facilities do not include any of the

following: (i) electric transmission lines with a design operating voltage of 46 kilovolts or greater (hereinafter referred to as "Transmission Lines"); (ii) poles, towers, frames, or other supporting structures for Transmission Lines (hereinafter referred to as "Transmission Structures"); (iii) Transmission Lines and related wires, cables, conductors, insulators, or other apparatus attached to Transmission Structures; or (iv) lines, wires, cables, or conductors installed in concrete-encased ductwork.

6. In the event that the City or any other entity acting on behalf of the City requests or demands that the Company relocate any Distribution Facilities from their then-current locations within the streets, alleys, and public places of the City in connection with a public project or improvement, then the Company shall relocate, at its expense, the Distribution Facilities affected by such project or improvement. The Company's obligations under this paragraph 6 shall not affect the amounts paid or to be paid to the City under the provisions of paragraph 1 of this Section II. Notwithstanding the foregoing provisions of this paragraph 6, the Company shall not be obligated to relocate, at its expense, any of the following: (i) Distribution Facilities that are located on private property (which shall include those located on easements acquired by the Company from persons or entities other than the City) at the time relocation is requested or demanded; (ii) Distribution Facilities that are relocated in connection with sidewalk improvements (unless such sidewalk improvements are related to or associated with road widenings, the creation of new turn lanes, or the addition of acceleration/deceleration lanes); (iii) streetscape projects or other projects undertaken primarily for aesthetic purposes; (iv) Distribution Facilities that are converted from an overhead configuration or installation to an underground configuration or installation; (v) Distribution Facilities that do not obstruct or interfere with the safe use of the City's streets or public places, and that do not obstruct or interfere with plans for road widening, the creation of new turn lanes, or acceleration /deceleration lanes.

7. The City and the Company recognize that both parties benefit from economic development within the City. Accordingly, when it is necessary to relocate any of the Company's Facilities (whether Distribution Facilities, Transmission Lines, Transmission Structures, or other facilities) within the City, the City and the Company shall work cooperatively to minimize costs, delays, and inconvenience to both parties while ensuring compliance with applicable laws and regulations. In addition, the City and the Company shall communicate in a timely fashion to coordinate projects included in the City's five-year capital improvement plan, the City's short-term work program, or the City's annual budget in an effort to minimize relocation of the Company's Facilities. Such communication may include, but is not limited to, (i) both parties' participation in the Georgia Utilities Coordinating Council, Inc. (or any successor organization) or a local utilities coordinating council (or any successor organization) and (ii) both parties' use of the National Joint Utility Notification System (or any successor to such system mutually acceptable to both parties).

8. With regard to each project undertaken by or on behalf of the City for which the Company is not obligated, in accordance with paragraph 6, to pay the cost of relocation, the City shall pay the Company in advance for the Company's estimated cost to relocate any of the Company's Facilities (whether Distribution Facilities,

Transmission Lines, Transmission Structures, or other facilities) in connection with such project.

SECTION III. Be it further ordained that nothing contained in this ordinance shall limit or restrict the right of customers within the corporate limits of the City to select an electric supplier as may hereafter be provided by law.

SECTION IV. Be it further ordained that, notwithstanding anything herein to the contrary, the Company shall not be obligated to pay to the City the fee provided for herein, or any portion thereof, on the gross sales of electric energy to customers living within areas that, on the effective date of this franchise, are not both: (i) within the City limits on the effective date, and (ii) depicted as being within the City limits on the maps provided to Company and attached hereto as Exhibit A.

SECTION V. Be it further ordained that, notwithstanding anything herein to the contrary, the Company shall not be obligated to pay to the City the fee provided for herein, or any portion thereof, on the gross sales of electric energy to customers living within areas that, after the effective date of this franchise, are annexed to the corporate limits of the City before ninety (90) days after the Company receives written notice from the City that the City intends to annex (or has already annexed) the territory in which said customers are located. To be effective, any such notice must include an electronic map of the annexed areas in a format reasonably acceptable to Company.

SECTION VI. Be it further ordained that all notices under this ordinance shall be made in writing and shall be delivered or sent by (a) first class, registered or certified mail, postage prepaid, return receipt requested; (b) guaranteed overnight delivery (such as Federal Express or United Parcel Service Next Day Air); or (c) hand delivery addressed to the address of the party in question as set forth below or to such other addresses as either party may designate by notice given pursuant to this Section. Notices shall be effective upon receipt by the notified party.

To the Franchising Authority:

Mayor of City of South Fulton
5440 Fulton Industrial Boulevard
Atlanta, Georgia 30336

To the Grantee:

Coweta-Fayette Electric Membership Corporation
Attn: Christopher L. Stephens, President and Chief Executive Officer
807 Collinsworth Road
Palmetto, Georgia 30268

SECTION VII. Be it further ordained that the Company shall, within ninety (90) days from the approval of this ordinance, file the Company's written acceptance of the franchise granted in this ordinance with the Clerk of the City.

SECTION VIII. Be it further ordained that upon such acceptance all laws and ordinances, and all agreements between the Company and the City with respect to the Company's use of the City's streets, alleys, and public places, in actual conflict herewith be and the same shall thereupon stand repealed and terminated, respectively.

The foregoing Ordinance No. **2017-019** was adopted on _____ and offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell (Mayor Pro Tem)	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

The foregoing franchise accepted on

COWETA-FAYETTE ELECTRIC
MEMBERSHIP CORPORATION

By:

Christopher L. Stephens
President and Chief Executive Officer

THIS ORDINANCE adopted this _____
day of _____ 2017.

CITY OF SOUTH FULTON, GEORGIA

By:

William "Bill" Edwards
Mayor

Attest:

By:

Mark Massey
City Clerk

APPROVED AS TO FORM:

By: _____
Josh Belinfante
Interim City Attorney

EXHIBIT A

<MAPS DEPICTING CITY LIMITS>



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-020

ADOPTION OF ORDINANCE RELATING TO MORTGAGES, CONVEYANCES TO SECURE DEBT, AND LIENS; TO PROVIDE FOR VACANT AND FORECLOSED PROPERTY REGISTRIES; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR GUIDELINES FOR VACANT AND FORECLOSED PROPERTY REGISTRIES; TO PROVIDE FOR EXEMPTIONS; TO PROVIDE FOR MAXIMUM FEES AND PENALTIES FOR REGISTRATION AND FAILURE TO REGISTER; TO PROVIDE FOR APPELLATE RIGHTS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

WHEREAS, the City is charged with preserving the health, safety, and welfare of its citizens;

WHEREAS, the City finds that there is a need to establish a foreclosure and vacant real property registry as a mechanism to protect property values in neighborhoods for all property owners;

WHEREAS, the registry will ensure that owners of vacant properties meet minimum standards of maintenance and are aware of the obligations of ownership under relevant codes and regulations and are known to the City and other interested parties and can be reached if necessary;

WHEREAS, due to the lack of adequate maintenance and security of properties that are foreclosed or where ownership has been transferred after foreclosure, the property values and quality of life of neighboring properties are negatively impacted;

WHEREAS, improperly maintained and foreclosed properties can become a hazard to the health and safety of persons who may come on or near the property and can adversely affect the aesthetic and economic attributes of communities;

WHEREAS, difficulties arise in locating the person responsible for the condition of foreclosed real property;

WHEREAS, the City finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address the condition of foreclosed and vacant real property; and

WHEREAS, this foreclosure and vacant real property registry will require owners and agents to provide the City with official information for contacting a party responsible for bringing foreclosed and vacant real property into compliance with applicable provisions of municipal code of the City.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: The City of South Fulton Code of Ordinances, Chapter 5, Title 3 Building Regulations, is hereby established and enacted as follows:

Sec. 3-5001. Short Title.

This Chapter shall be known as the “City of South Fulton, Georgia Vacant and Foreclosed Real Property Registry Ordinance.”

Sec. 3-5002. Definitions.

- (a) **Agent:** An individual with a place of business in this state in which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner. The definition of ‘agent’ shall have the same meaning as set forth in O.C.G.A. § 44-14-14 should that definition differ from the definition in this Chapter.
- (b) **Foreclosed Real Property:** Improved or unimproved real property and is held pursuant to a judicial or non-judicial foreclosure of a mortgage, deed of trust, security deed, or other security instrument securing a debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor or shall have the same meaning as set forth in O.C.G.A. § 44-14-14 should that definition differ.
- (c) **Street Address:** The street or route address. Such term shall not mean or include a post office box. The definition of ‘street address’ shall have the same meaning as set forth in O.C.G.A. § 44-14-14 should that definition differ from the definition in this Article.
- (d) **Vacant Real Property:** Real property that:
 - (1) Is intended for habitation, has not been lawfully inhabited for at least 60 days, and has no evidence of utility usage within the past 60 days; or

- (2) Is partially constructed or incomplete, without a valid building permit.

Such term shall not include a building or structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage. The definition of 'vacant real property' shall have the same meaning as set forth in O.C.G.A. § 44-14-14 should that definition differ from the definition in this Article.

Sec. 3-5003. Registration of Vacant or Foreclosed Property.

- (a) Owner or agents of foreclosed real property or vacant real property, including foreclosed real property and vacant real property which is residential rental property, are required to register such property with the City of South Fulton Public Works office ("Office") within thirty (30) days of such property becoming foreclosed or vacant real property by following the provisions of this section unless otherwise exempted by this Chapter or state law.
- (b) Any such owner or agent of foreclosed real property or vacant real property located within the jurisdiction of the city is required to file with the Office a registration form in either electronic or paper format containing the following information:
 - (1) The real property owner's name, street address, mailing address, phone number, facsimile number, and e-mail address;
 - (2) The agent's name, street address, mailing address, phone number, facsimile number, and e-mail address;
 - (3) The real property's street address and tax parcel number;
 - (4) The transfer date of the instrument conveying the real property to the owner; and
 - (5) At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner.
- (c) Registration is required for all vacant or foreclosed real property unless otherwise exempted, pursuant to this Chapter, but is not required for vacant or foreclosed real property within 90 days of such real property's transfer:
 - (1) Pursuant to a deed under power of sale or deed in lieu of foreclosure; or
 - (2) To the first subsequent transferee after the vacant real property has been acquired by foreclosure under power of sale pursuant to O.C.G.A. § 44-14-160, or acquired pursuant to a deed in lieu of foreclosure.
- (d) Any owner or agent required to register any vacant or foreclosed real property pursuant to this Chapter or to Georgia law shall also be required to update the

information specified in subsection (b) of this section within 30 days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

Sec. 3-5004. Foreclosed and Vacant Real Property Exemptions.

- (a) Registration or payment of any administrative fees of foreclosed real property pursuant to this Chapter and Georgia law is not required of transferees as described in subsection (b) of this section.
- (b) Any transferee who acquires any real property by foreclosure under power of sale pursuant to O.C.G.A. § 44-14-160 or acquires any real property pursuant to a deed in lieu of foreclosure and:
 - (1) The deed under power of sale or deed in lieu of foreclosure contains the information specified in subsection (b) of Section 3-__003;
 - (2) The deed is filed with the clerk of the superior court of Fulton County within 60 days of the transfer; and
 - (3) Proof of the following is provided to the office or the officer in charge of the city foreclosed real property registry:
 - (A) A filing date stamp or receipt showing payment of the applicable filing fees; and
 - (B) The entire deed under power of sale or entire deed in lieu of foreclosure.
- (a) Any owner or agent required to register any vacant or foreclosed real property pursuant to this Chapter or to Georgia law shall also be required to update the information specified in subsection (b) of Section 3-__003 within 30 days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

Sec. 3-5005. Removal from Registry.

- (a) Any owner or agent of a vacant or foreclosed real property may apply to the City of South Fulton Public Works Department to remove a vacant or foreclosed real property from the city registry at such time as the real property no longer constitutes a vacant or foreclosed real property.
- (b) Any application for removal allowed under subsection (a) of this section shall be granted or denied by the City of South Fulton Public Works Department within 30 days, and if no such determination is made within 30 days then the application for removal from the registry shall be deemed granted.

- (c) If the property was sold, a copy of the HUD-1 statement and Security Deed must be provided as proof. If the property is rented by a tenant, a copy of the lease signed by the landlord must be provided as proof.

Sec. 3-5006. Administrative Fees.

Any owner or agent of a vacant or foreclosed real property which is required to be registered with the city under this Chapter shall be required to make a payment for administrative fees that reasonably approximate the cost to the city of the establishment, maintenance, operation, and administration of the registry in a non-refundable amount of \$100.00 per registration. This is a one time registration fee, with the exception of a change in ownership. The new owner will be responsible to re-register the property under their name if the property remains vacant.

Sec. 3-5007. Appeal Procedures.

- (a) Any owner or agent aggrieved of any determination or decision of the City of South Fulton Public Works Department or the city in the administration of this Charter may appeal to the municipal court of the city. All appeals hereunder must be taken within thirty (30) days of the decision in question by filing with the City of South Fulton a notice of appeal specifying the grounds thereof.
- (b) The City of South Fulton Public Works Department shall forthwith transmit to the notice of appeal and all the papers constituting the record upon which the action appealed was taken to the municipal court clerk who shall schedule an appeal hearing within sixty (60) days following the date the appealing party submits its completed written appeal with subsection (a) above.
- (c) The municipal court judge may call for further information to be provided within the next thirty (30) days following the hearing, and may continue the hearing for the purpose of receiving such information or for such other proceedings and reasons as the municipal court judge deems appropriate.
- (d) An appeal shall stay all proceedings in furtherance of the action appealed from unless the City of South Fulton Public Works Department certifies to the municipal court, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed except by order of the municipal court judge on notice to the City of South Fulton, and on due cause shown.
- (e) The municipal court judge may, in conformity with the provisions of this Chapter, reverse or affirm, in whole or in part, or modify the decision, requirement, or determination of the City of South Fulton Public Works Department appealed from by the owner or agent and may make such decision, requirement, or determination, as may be appropriate under the circumstances.

Sec. 3-5008. Administration.

- (a) The foreclosure and vacant real property registry is subject to the Open Records Act of the State of Georgia and the city may make such registry information available online.
- (b) Registration information shall be deemed prima facie proof of the statements contained therein in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this Chapter.

Sec. 3-5009. Nuisances.

Nothing in this Chapter shall be construed to impair, limit, or preempt in any way the power of the city to enforce any applicable codes, as defined in state law, or to define or declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 3-5010. Penalties.

Any owner or agent required to register a vacant or foreclosed real property under this Chapter who fails to register or fails to update the information of this Chapter, Registration of Vacant or Foreclosed Property, may be fined up to \$1,000.00 per occurrence.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Section 4: This ordinance shall become effective immediately upon its adoption by the City Council.

The foregoing Ordinance No. **2017-020**, adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017.

CITY OF SOUTH FULTON, GEORGIA

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORDINANCE No. 2017-025

A proposed ordinance introduced by Mayor Pro Tem Rowell

AN ORDINANCE TO COMPLY WITH O.C.G.A. §50-18-70, *ET SEQ.*; DESIGNATING AN “OPEN RECORDS OFFICER” AND “ASSISTANT OPEN RECORDS OFFICER(S)” FOR THE CITY OF SOUTH FULTON; DEFINING THE DUTIES AND COMPENSATION THEREOF; PROVIDING FOR PUBLIC RECORD REQUESTS TO BE SERVED UPON THE OPEN RECORDS OFFICER OR, IN THE OFFICER’S ABSENCE OR UNAVAILABILITY, UPON AN ASSISTANT OPEN RECORDS OFFICER; PROVIDING FOR THE MANNER OF SERVING PUBLIC RECORDS REQUESTS ON THE OPEN RECORDS OFFICER; PROVIDING FOR NOTICE OF THE CITY’S OPEN RECORDS PROCEDURES; PROVIDING REASONABLE CHARGES FOR COMPLIANCE WITH PUBLIC RECORDS REQUESTS; TO REPEAL CONFLICTING CODE PROVISIONS, ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT WITH THE FOREGOING; TO ESTABLISH AND EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, Georgia’s Open Records Law, O.C.G.A. §50-18-70, et seq., was enacted to establish new procedures for local governments (defined therein as “agencies”) to comply with said law and to provide greater transparency in making public records available to the public for inspection and copying, which instills greater public trust in government;

WHEREAS, under the amended law, agencies may designate one or more “Open Records Officers” for the purpose of accepting service of written requests in order to assure timely response if made to the proper officer, who has been trained in the law and procedures for public records compliance;

WHEREAS, the City of South Fulton, a Georgia municipal corporation, is an “agency” as defined at O.C.G.A. §50-18-70; and

WHEREAS, this City Council adopts as City public policy the statement of the General Assembly found at O.C.G.A. §50-18-70 (a);

THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1: The City of South Fulton Code of Ordinances, Title 1, Administration, Chapter 7, Open Records, shall be as follows:

Title 1: Administration

Chapter 7: Open Records

Section 1-7001: Short Title.

This Article shall be known as the “City of South Fulton Open Records Ordinance.”

Section 1-7002: Records Officer.

There is hereby created the appointment of the City’s Open Records Officer. The Open Records Officer may designate, in writing, Assistant Open Records Officer(s) as required to perform the duties of his or her office. Before undertaking the duties of the office, the Open Records Officer and Assistant Open Records Officers shall take an oath, in writing, to diligently perform such duties. Compensation for the Open Records Officer and his or her Assistant Open Records Officers shall be initially recommended by the City Manager, approved by the City Council and scheduled on the City’s Pay Classification Plan, as from time to time amended. The Open Records Officer shall serve at the pleasure of City Manager. The Open Records Officer may be an existing employee of the City.

Section 1-7003: Duties and Procedures.

- (a) It shall be the duty of the Open Records Officer and his or her duly designated Assistant Open Records Officer(s) to accept written requests to inspect and copy public records, pursuant to O.C.G.A. §50-18-70, *et seq.*, and to produce to the requester all records responsive to a request within a reasonable amount of time not to exceed three (3) business days of receipt of a request, unless the time for response is extended in accordance with law.
- (b) No written request shall be deemed filed until served upon the Open Records Officer, by hand delivery to the Officer at the City of South Fulton, by certified United States mail return receipt requested, by statutory overnight delivery, or by email to openrecords@cityofsouthfultonga.gov.
- (c) Written requests served upon any other officer or employee of the City shall not be deemed filed, until the requester has filed his or her request, in writing, with the Open Records Officer.
- (d) In the absence or unavailability of the Open Records Officer, an Assistant Open Records Officer shall perform the duties of the Open Records Officer.
- (e) The absence or unavailability of a designated Open Records Officer shall not delay the City’s response to a properly served request

Section 1-7004: Request Response.

- (a) Upon receipt of a request, it shall be the duty of the Open Records Officer to promptly ascertain the availability of all public records responsive to the request and to produce to the requester those records that can be located and produced within a reasonable time, not to exceed three (3) business days of receipt of a request. For purposes of computing the time within which a response must be made, the Open Records Officer shall not count the business day on which a request is received, nor any intervening Saturday, Sunday, or designated holiday on which City offices are closed for general business. Upon intake of a request, the Open Records Officer shall stamp the request with the date and time of receipt, and initial the request. In any instance where records are unavailable within three (3) business days of the request, it shall be the duty of the Open Records Officer to provide the requester with a written description of such records and a timeline for when the records will be available for inspection or copying and to provide the responsive records to the requester as soon thereafter as practicable. Such response shall also contain a good faith estimate of the cost to the requester for the search, retrieval, redaction, and production and copying of records.
- (b) It is the intent of the City Council that the Open Records Officer be accessible within City Hall during the normal hours of general operation of the City's administrative staff, i.e. 8:30 a.m. to 5:00 p.m. Monday through Friday, except on recognized holidays and those days when City Hall is closed. The Open Records Officer shall coordinate his or her work schedule with the Assistant Open Records Officers to assure coverage within City Hall during normal hours at all times when the Open Records Officer is scheduled to be absent or unavailable for extended periods of time. Backup procedures will be implemented by the City Manager to assure such coverage by Assistant Open Records Officers during the Open Records Officer's unplanned absence or unavailability.
- (c) By law, notice of the designation of Open Records Officers shall be posted on the official bulletin board at City Hall, in the legal organ of City, and on the City's website. In addition, City officers, department directors, and administrative staff will be instructed on how to assist and direct persons desiring to request inspection and copying of public records.
- (d) To further assist persons desiring to inspect records, a request form will be available at City Hall and on the City's website. The Open Records Officer shall confer with every officer or department manager of the City, as necessary, to ascertain the existence of public records responsive to a request (including electronically-stored information), and it shall be the duty of every City officer and department manager to confer with and provide records, or true and correct copies of the originals thereof, to the Open Records Officer promptly, time being of the essence. Upon receipt of a public record responsive to a request, the Open

Records Officer shall determine, in consultation with the City Attorney, if the record is exempt from disclosure by order of a court of this state or by law; if the record is exempt from disclosure, the written response by the Open Records Officer shall set forth the specific legal authority under which withholding of inspection of the record is claimed. The Open Records Officer shall maintain a log or other documentation of his or her due diligence to comply with a proper request.

Section 1-7005: Fees.

- (a) The Open Records Officer shall further have the duty to collect from a requester a reasonable charge for the search, retrieval, redaction, and production/copying of records, utilizing the most economical means available to identify and produce non-excluded records. The charge for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the Open Records Officer, has the necessary skill and training to perform the request; provided, however, no charge shall be made for the first quarter hour. In addition thereto, where certified copies of specific records are sought, the fees for certified copies prescribed by law shall apply; otherwise, a fee for the copying of records shall not exceed 10¢ per page for letter or legal size documents or, in the case of other documents and electronic records, the actual cost of reproducing the document or media on which the records or media are produced.
- (b) It shall be the right of the requester, at the time of inspection, to make photographic copies or other electronic reproductions of records, at his or her own expense, using suitable portable devices brought to the place of inspection. Whenever any person has requested to inspect and copy public records and received a written response estimating the cost of the search, retrieval, redaction, and production/copying of responsive records, and the City has actually incurred such costs but the requester fails to inspect or accept copies of the records, the Open Records Officer shall be authorized to collect such charges in any manner authorized by law.
- (c) In any instance in which the Open Records Officer has estimated costs in excess of \$25 for responding to a request, the Open Records Officer may defer the search, retrieval, redaction, and production/copying of the records until the requester has stated, in writing, his or her willingness to pay an amount equal to the estimate of costs. The Open Records Officer shall request prepayment of the estimated costs prior to beginning search, retrieval, redaction, production or copying of the records when the estimated costs exceed \$500 for the production.

Section 1-7006: Litigation.

Requests by civil litigants for records that are sought as part of or for use in any ongoing civil or administrative litigation against the City shall be made in writing and copied to counsel of record for the City contemporaneously with their submission to the City. The City shall provide, at no cost, duplicate sets of all records produced in response to the request to the City's counsel of record unless the City's counsel of record elects not to receive the records.

Section 1-7007: Training.

- (a) The Open Records Officer and Assistant Open Records Officer(s) shall, prior to assuming the duties of their office, undergo a course of training in public records, Government in Sunshine management and specifically compliance with the Georgia Open Records Law, O.C.G.A. §50-18-70, *et seq.*, as approved by the City Manager, in consultation with the City Attorney.
- (b) It shall be the responsibility of the City Manager and the Open Records Officer, at least annually, to conduct a workshop for City officers and department directors on the minimum requirements and procedures for public records management and open records disclosure, including the penalties or civil fines that may be imposed for violating Georgia's Open Records law.

Section 2: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 3: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: Effective Date

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be immediately.

The foregoing Ordinance No. **2017-025** adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

**THIS ORDINANCE adopted this _____ day of _____ 2017. CITY
OF SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY